

THE WHITE HOUSE

WASHINGTON  
June 22, 1996

MEMORANDUM FOR JACK QUINN  
KATHY WALLMAN

FROM: ELENA KAGAN *EK*  
SUBJECT: PARTIAL BIRTH ABORTION

1. Override votes on the partial-birth veto are scheduled for mid-July in the House (where a 2/3 vote is probable) and mid-September in the Senate (where a 2/3 vote is very unlikely). The idea, of course, is to stretch out the issue over as many months as possible. I am attaching materials put out by the Catholic Church indicating what it will do during these months. At a recent meeting of the White House "abortion team" (sans George), it was decided (assuming George signs off) (1) to send the DNC and Re-Elect the President's 3-page letter and a revamped set of talking points, for distribution as they think appropriate; and (2) to send to religious and regional press, around the time of the July override vote, a 750-word op-ed, with Secretary Shalala as possible signatory. I was tasked with the job of doing the talking points and op-ed, which I will send to you.

2. Melanne, Todd, Jennifer Klein, John Hart, and someone from Betsy Myers's office met a few days ago with the former President and the current chief lobbyist for the American College of Obstetrics and Gynecology (ACOG). For many months, the folks at ACOG had been unwilling to speak with us about the medical issues surrounding the partial birth ban, but Marilyn Yeager convinced them to do so, and this meeting was the result. It was something of a revelation.

Two important points emerged from the meeting. First, there are an exceedingly small number of partial birth abortions that could meet the standard the President has articulated. In the vast majority of cases, selection of the partial birth procedure is not necessary to avert serious adverse consequences to a woman's health; another option -- whether another abortion procedure or, in the post-viability context, birth through a caesarean section, induced labor, or carrying the pregnancy to term -- is equally safe. I will spare you all the medical details here. Suffice it to say that we went through every circumstance imaginable -- post- and pre-viability, assuming malformed fetuses, assuming other medical conditions, etc., etc. -- and there just aren't many where use of the partial-birth abortion is the least risky, let alone the "necessary," approach. No one should worry about being able to drive a truck through the President's proposed exception; the real issue is whether anything at all can get through it.